



BNFL Inc.

TWRS Privatization
2940 George Washington Way
Richland, WA 99352
Tel: (509) 371-3000
Fax: (509) 371-3001

D. Clark Gibbs, Regulatory Official
Office of Radiological, Nuclear, and Process Safety Regulation
Department of Energy
Richland Operations Office
Regulatory Unit, A4-70
P.O. Box 550
Richland, Washington 99352

Direct tel: (509) 376-9936
Direct fax: (509) 376-3661

Ref #: 001348

January 29, 1999

Dear Dr. Gibbs:

TWRS-P Contract No. DE-AC06-96RL13308 - W375 - Response to Employee Concerns Program Inspection Report

References: 1) DOE letter 99-RU-0103, December 30, 1998, Employee Concerns Program (ECP) Inspection Report, IR-98-001, M. Bullock from Dr. Clark Gibbs DOE Richland, Washington

From November 30 through December 4, 1998, the Office of Radiological, Nuclear, and Process Safety Regulation of TWRS-P Contractors (Regulatory Unit [RU]) conducted an inspection of the BNFL Employee Concerns Program (ECP). The Inspection Report, IR-98-001, dated December 30, 1998, identified one finding as a result of that inspection. The finding was based on the aggregate of several conclusions that were detailed in Reference 1.

The finding, that BNFL had failed to fully implement an Employee Concerns Program (ECP) was based on the aggregate of five specific conclusions that the inspectors had reached. The inspectors noted that the atmosphere of open communications within the project was evident. They stated it was apparent that project employees felt free and comfortable to express concerns to management without fear of reprisal. BNFL accepts the finding but has taken this observation into consideration in developing the schedule for implementation of the corrective actions.

A mandatory ECP training requirement has been added to the employee training profiles. ECP training has been scheduled for the week of February 8, 1999. All employees are expected to attend this training. Those that are unable to attend will be identified and trained in makeup sessions. To support the hiring that follows these meetings, ECP information has been added to the Project Orientation package that is provided to individuals as they arrive on the project.

As noted in Reference 1, BNFL is in the process of revising the ECP Description and Instructions document (BNFL 5193-ECP-01). The revision to the document will be completed in March 1999 and will be transmitted to the RU no later than April 2, 1999. In addition, BNFL is in the process of preparing ECP implementing documents. These implementing documents will be completed and issued no later than April 2, 1999.

The most significant change to the ECP Descriptions and Instructions document that is under consideration is relocation of the more specific instructions to implementing documents. The remaining document would be more appropriately renumbered and titled to reflect that it is a program plan rather than implementing instructions. The revision to the ECP Description and Instructions document and the corresponding implementing documents will address the issues identified in Reference 1. The preliminary versions of these documents will be completed in February and BNFL would like to meet with members of your staff at that time to discuss the proposed changes, to support the subsequent submittal of the ECP to the RU.

If you have any questions regarding this response, please contact Marsha Eades at (509) 371-3139 or me.

Yours sincerely



D. W. Edwards
Manager
Safety and Regulatory Programs

MGE/jca

Attachments: Response to Findings

Distribution:

cc: BNFL Inc.

DOE

PDC w/a	Rm. B273	E. Hughes w/a	Rm. A214	R. Barr w/a	A4-70
K. Boomer w/a	Rm. 18	D. Klein w/a	Rm. 13	N. Brown w/o	AO-21
B. Davies w/a	Rm. E220	A. Larson w/a	Rm. 274	G. Kalman w/o	A4-70
A. Dobson w/a	Rm. A105	S. Lynch w/a	Rm. 235	P. Rassmussen w/o	A7-80
D. Edwards w/a	Rm. 22	M. Page w/a	Rm. B223	P. Carier w/a	A4-70
D. Garrett w/a	Rm. 9	G. Voyles w/a	Rm. B105		
J. Hawkins w/a	Rm. A104				

RESPONSE TO FINDING

The inspectors found, contrary to requirements, that BNFL had failed to fully implement an Employee Concerns Program (ECP). This finding is based on the aggregate of five specific conclusions discussed in the Inspection Report.

RU Conclusion: **Employees lack adequate knowledge**

BNFL Response: To resolve this concern, BNFL will implement the following actions.

Actions

1. ECP training has been added as a mandatory training requirement for all project positions.
2. Training sessions are scheduled for the week of February 8, 1999. Employees who do not attend will be identified and provided the necessary information. The lesson plan addresses the following topics:
 - Corporate policy
 - Protection against reprisal
 - Assurance of confidentiality
3. ECP information has been added to the Project Orientation package.

RU Conclusion: **Qualification standards for managers, ECP staff, and concern investigators have not been established**

BNFL Response: BNFL has appointed specific individuals to the ECP positions, based on their knowledge, experience, and training and believes that the three people selected are more than adequately qualified to implement the ECP. However, BNFL does agree that qualification standards should be documented. The qualification standards for the ECP officer, coordinator, and staff will be added to ECP implementing documents. The standards will not be included as part of the description of the management position held by the ECP officer or the ECP coordinator because their involvement in the program is based on their specific qualifications rather than the position they currently hold.

When the investigators selected are not part of the ECP staff, this selection will be made on a case by case basis. The ECP officer will appoint these individuals and typically the selection will be based on specific technical background or investigative experience. Therefore, it would be inappropriate to try to, cover all qualifications of the concerns investigators. However, the program implementing documents for handling concerns and for conducting investigations are being revised to include more guidance. The investigators will be required to follow the documented guidance for the actions they are expected to take.

Actions

1. Develop qualification standards for ECP officer, coordinator, and staff.
2. Identify and revise the appropriate project documents to include the qualification standards.

RU Conclusion: **Procedural guidance on handling concerns is inadequate**

BNFL Response: The ECP Descriptions and Instructions do not contain specific guidance for implementing many aspects of the program. This guidance will be incorporated into implementing project documents.

Actions

1. Incorporate the following into the appropriate project documents.
 - Roles, duties, and responsibilities for ensuring and maintaining independence from the initiating employee's line organization.
 - Guidance for identifying and taking immediate actions for imminent hazards.
 - Guidance for resolving employee concerns in a fair and impartial manner.
 - Guidance for assuring and maintaining confidentiality.
 - Guidance for involving people with the appropriate expertise and authority.

RU Conclusion: **Procedural guidance on program administration is inadequate**

BNFL Response: Detailed guidance for administration of the ECP is not included in the ECP Description and Instructions. The administrative aspects for the ECP will be incorporated into the appropriate project documents.

Action

1. Incorporate the following into the appropriate project documents
 - Roles, duties, and responsibilities for tracking and trending employee concerns
 - Guidance on conducting exit debriefing interviews
 - Guidance for subcontractor ECP oversight
 - Guidance for protecting employees from reprisal and redressing reprisal should it occur

RU Conclusion: **Senior managers have not demonstrated support for the ECP**

BNFL Response: The inspectors concluded that an open atmosphere was reflected during their interviews with the project personnel. However they did not believe that the senior managers had endorsed or promoted the ECP and that employees had not been encouraged to use the ECP if they were reluctant to discuss concerns with their line management. Resolution of this conclusion is addressed in two different ways.

Actions

1. Senior project management will introduce the ECP training. This introduction will address their endorsement and the encouragement to use the ECP if it is needed. The training content is discussed in the response to the first conclusion.
2. The ECP officer and coordinator spent several hours in the last few weeks discussing the existence, the importance, and the mechanics involved with the ECP. They met with many project employees, face to face, to deliver the ECP brochures when they were available. Both the officer and the coordinator hold senior management positions for BNFL.